

Assembly Bill No. 2080

CHAPTER 501

An act to amend Section 3017 of the Elections Code, relating to vote by mail ballots.

[Approved by Governor September 24, 2012. Filed with
Secretary of State September 24, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2080, Gordon. Vote by mail ballots.

Existing law creates vote by mail ballots. After marking the ballot, vote by mail voters are required to return their ballots by mail or in person to the elections official from whom it came or in person to a member of a precinct board at a polling place within the jurisdiction. A vote by mail voter who is unable to return his or her ballot due to illness or physical disability may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household to return the ballot to the specified elections official or precinct board member.

This bill would eliminate the requirement that a vote by mail voter be ill or physically disabled in order to designate one of the above-mentioned persons to return his or her marked ballot.

This bill would incorporate additional changes to Section 3017 of the Elections Code proposed by AB 2054, which would become operative only if AB 2054 and this bill are both enacted, both bills become effective on or before January 1, 2013, and this bill is enacted last.

The people of the State of California do enact as follows:

SECTION 1. Section 3017 of the Elections Code is amended to read:

3017. (a) All vote by mail ballots cast under this division shall be voted on or before the day of the election. After marking the ballot, the vote by mail voter shall do either of the following: (1) return the ballot by mail or in person to the elections official from whom it came or (2) return the ballot in person to a member of a precinct board at a polling place within the jurisdiction. However, a vote by mail voter who is unable to return the ballot may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the vote by mail voter to return the ballot to the elections official from whom it came or to the precinct board at a polling place within the jurisdiction. The ballot must, however, be received by either the elections official from whom it came or the precinct board before the close of the polls on election day.

(b) The elections official shall establish procedures to ensure the secrecy of a ballot returned to a precinct polling place and the security, confidentiality, and integrity of any personal information collected, stored, or otherwise used pursuant to this section.

(c) On or before March 1, 2008, the elections official shall establish procedures to track and confirm the receipt of voted vote by mail ballots and to make this information available by means of online access using the county's elections division Internet Web site. If the county does not have an elections division Internet Web site, the elections official shall establish a toll-free telephone number that may be used to confirm the date a voted vote by mail ballot was received.

(d) The provisions of this section are mandatory, not directory, and a ballot shall not be counted if it is not delivered in compliance with this section.

(e) Notwithstanding subdivision (a), a vote by mail voter's ballot shall not be returned by a paid or volunteer worker of a general purpose committee, controlled committee, independent expenditure committee, political party, candidate's campaign committee, or any other group or organization at whose behest the individual designated to return the ballot is performing a service. However, this subdivision does not apply to a candidate or a candidate's spouse.

SEC. 1.5. Section 3017 of the Elections Code is amended to read:

3017. (a) All vote by mail ballots cast under this division shall be voted on or before the day of the election. After marking the ballot, the vote by mail voter shall do either of the following: (1) return the ballot by mail or in person to the elections official who issued the ballot or (2) return the ballot in person to a member of a precinct board at a polling place within the state. However, a vote by mail voter who is unable to return the ballot may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the vote by mail voter to return the ballot to the elections official who issued the ballot or to the precinct board at a polling place within the state. The ballot must, however, be received by either the elections official who issued the ballot or a precinct board before the close of the polls on election day. If a vote by mail ballot is returned to a precinct board at a polling place located in a county that is not the county of the elections official who issued the ballot, the elections official for the county in which the vote by mail ballot is returned shall forward the ballot to the elections official who issued the ballot.

(b) The elections official shall establish procedures to ensure the secrecy of a ballot returned to a precinct polling place and the security, confidentiality, and integrity of personal information collected, stored, or otherwise used pursuant to this section.

(c) On or before March 1, 2008, the elections official shall establish procedures to track and confirm the receipt of voted vote by mail ballots and to make this information available by means of online access using the county's elections division Internet Web site. If the county does not have

an elections division Internet Web site, the elections official shall establish a toll-free telephone number that may be used to confirm the date a voted vote by mail ballot was received.

(d) The provisions of this section are mandatory, not directory, and a ballot shall not be counted if it is not delivered in compliance with this section.

(e) Notwithstanding subdivision (a), a vote by mail voter's ballot shall not be returned by a paid or volunteer worker of a general purpose committee, controlled committee, independent expenditure committee, political party, candidate's campaign committee, or any other group or organization at whose behest the individual designated to return the ballot is performing a service. However, this subdivision does not apply to a candidate or a candidate's spouse.

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 3017 of the Elections Code proposed by both this bill and Assembly Bill 2054. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2013, (2) each bill amends Section 3017 of the Elections Code, and (3) this bill is enacted after Assembly Bill 2054, in which case Section 1 of this bill shall not become operative.